

## 1 UNITED STATES DISTRICT COURT

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

## 2 EASTERN DISTRICT OF WASHINGTON

May 14, 2025

SEAN F. McAVOY, CLERK

3 UNITED STATES OF AMERICA,

No. 1:25-cr-02056-SAB-1

4 Plaintiff,

ORDER FOLLOWING  
ARRAIGNMENT ON INDICTMENT

5 v.

6 PRESTON KEITH FUNDERBURGH,

7 Defendant.

8 On Wednesday, May 14, 2025, Defendant was arraigned based on the  
9 Indictment (ECF No. 19). Defendant was represented by Chief Deputy Federal  
10 Defender Alex B. Hernandez III. Assistant United States Attorney Courtney  
11 Pratten represented the United States.

12 Defendant was advised of and acknowledged Defendant's rights.

13 The Court entered pleas of not guilty on Defendant's behalf.

14 The Court previously appointed counsel, ECF No. 12, and addressed  
15 detention, ECF No. 18. The United States did not change its position on detention.

16 Accordingly, **IT IS ORDERED:**

17 1. The Court directs the parties to review the Local Criminal Rules  
18 governing discovery and other issues in this case. [http://www.waed.uscourts.gov/  
court-info/local-rules-and-orders/general-orders](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders).

1       2. Under federal law, including Rule 5(f) of the Federal Rules of  
2 Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable  
3 decisions from the Supreme Court and the Ninth Circuit interpreting *Brady*, the  
4 United States has a continuing obligation to produce all information or evidence  
5 known to the United States relating to guilt or punishment that might reasonably be  
6 considered favorable to Defendant's case, even if the evidence is not admissible so  
7 long as it is reasonably likely to lead to admissible evidence. See *United States v.*  
8 *Price*, 566 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the  
9 United States to produce to Defendant in a timely manner all such information or  
10 evidence.

11           Information or evidence may be favorable to a defendant's case if it either  
12 may help bolster the defendant's case or impeach a prosecutor's witness or other  
13 government evidence. If doubt exists, it should be resolved in favor of Defendant  
14 with full disclosure being made.

15           If the United States believes that a required disclosure would compromise  
16 witness safety, victim rights, national security, a sensitive law-enforcement  
17 technique, or any other substantial government interest, the United States may  
18 apply to the Court for a modification of the requirements of this Disclosure Order,  
19 which may include *in camera* review and/or withholding or subjecting to a  
20 protective order all or part of the information.

This Disclosure Order is entered under Rule 5(f) and does not relieve any party in this matter of any other discovery obligation. The consequences for violating either this Disclosure Order or the United States' obligations under *Brady* include, but are not limited to, the following: contempt, sanction, referral to a disciplinary authority, adverse jury instruction, exclusion of evidence, and dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the United States' obligation to disclose information and evidence to a defendant under *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit precedent. As the Supreme Court noted, "the government violates the Constitution's Due Process Clause 'if it withholds evidence that is favorable to the defense and material to the defendant's guilt or punishment.'" *Turner v. United States*, 137 S. Ct. 1885, 1888 (2017) (quoting *Smith v. Cain*, 565 U.S. 73, 75 (2012)).

14       3.     Defendant is bound over to Chief Judge Stanley A. Bastian for further  
15 proceedings.

## **IT IS SO ORDERED.**

DATED May 14, 2025.



Alexander C. Ekstrom

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE